

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	Criminal No. 04-10369-MLW
v.	)	
	)	
STEVEN C. MORELLO,	)	
Defendant.	)	
	)	

**GOVERNMENT’S MOTION IN RESPONSE TO DEFENDANT’S  
MOTION FOR RE-SENTENCING**

The United States of America, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Paul R. Moore, hereby respectfully moves the Court to make a “recommendation” to the Bureau of Prisons that Mr. Morello’s federal and state sentences run concurrently.

In response to the government’s inquiry, the Bureau of Prisons (“BOP”) has specifically requested that the undersigned seek guidance for it (BOP) from this Court on the question of whether the Court would recommend to BOP that the federal sentence be allowed to run concurrently with Mr. Morello’s state sentence. The government, therefore, respectfully requests that this Court make the recommendation to BOP that Mr. Morello’s federal sentence (151 months of incarceration) be allowed to run concurrently with his state sentence (15 to 20 years). Such a result would be in keeping with the intent of the parties from the earliest stages of plea negotiations through the actual sentencing.

It was through no error of this Court that it did not make such a recommendation at the time of the federal sentencing on May 4, 2006. At that time, the state had yet to impose any sentence on the defendant. Furthermore, it had been the anticipation of the undersigned as well

as the defendant (as noted in his filings) that the imposed sentences would ultimately run concurrently. Finally, there appears to be little other route by which this intended result can now be achieved (through the Court making such a recommendation to BOP and BOP following that guidance).

For these reasons as well as the broader explanations offered in the prior Motion of the defendant and Response of the government, the government respectfully requests that this Court allow the current Motion by its “recommendation” to BOP that the defendant’s federal and state sentences be served concurrently.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Paul R. Moore  
Paul R. Moore  
Assistant U.S. Attorney

October 5, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney for defendant STEVEN C. MORELLO, Michael F. Natola, Esq., on October 5, 2006, via electronic notification.

/s/ Paul R. Moore  
Paul R. Moore  
Assistant U.S. Attorney

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**AFFIDAVIT OF A.U.S.A. PAUL R. MOORE IN SUPPORT  
OF MOTION FOR RECOMMENDATION OF COURT TO THE  
BUREAU OF PRISONS FOR CONCURRENT SENTENCES**

Now comes Assistant United States Attorney Paul R. Moore, who does in that role  
depose and say the following:

1. I am the Assistant U.S. Attorney who was assigned by the United States Attorney to prosecute the above-captioned matter.
2. Counsel for the defendant, Mr. Natola, and I entered into plea negotiations at an early stage of the proceedings.
3. It was the clear intention of the undersigned and Mr. Natola that, as a result of Mr. Morello's extensive and timely cooperation with federal and state investigators and prosecutors, he would serve his federal and state sentences concurrently.
4. Given the unfortunate lack of options in correcting the failure of the state sentencing court to impose a sentence accordingly (which failure appears to have been an oversight by that court and which very likely was not at all the "fault" of that court), I believe that the only route for achieving this just result is for this

Court to allow the Motion for a Recommendation to the Bureau of Prisons (“BOP”) that the federal and state sentences of Mr. Morello be served concurrently.

5. BOP has specifically requested that the undersigned seek the Court’s guidance on this matter (via a “recommendation”).
6. It is the impression of the undersigned that the result favored by both parties is more likely to occur if this Court allows the government’s Motion.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Paul R. Moore  
Paul R. Moore  
Assistant U.S. Attorney

October 5, 2006

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/s/ Paul R. Moore  
Paul R. Moore  
Assistant U.S. Attorney

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